

## **DRUG FREE WORKPLACE PROGRAM**

### ***QUESTION AND ANSWER FORUM***

#### **Do we need a drug program for Department of the Navy employees?**

- The President, in signing Executive Order 12564 on 15 September 1986, required that all federal agencies implement a program to achieve a drug-free workplace. In line with that, the DON has a compelling obligation to eliminate illegal drug use by its employees to do its national defense responsibilities and the sensitive nature of its work.

#### **What regulatory requirements governed the development of the Department Of Navy Drug-Free Workplace Program?**

- Executive Order 12564 requires employees to refrain from the use of illegal drugs on and off duty and directs agencies to establish plans for achieving a drug-free workplace.
- Public Law 100-71 passed by Congress, on 11 July 1987, provides for consistent implementation of the Executive Order 12564 through the federal government and establishes requirements for accurate and reliable drug testing and confidentiality of test results.
- Department of the Navy Drug-Free Workplace Plan certified by the Department of Health and Human Services (DHHS) and the Department of Justice (DOJ) on 27 April 1988, establishes the framework for implementation of the program in the DON.
- Department of Health and Human Services Mandatory Guidelines for Federal Workplace Drug Testing Programs establish strict procedures for collection and testing of urine samples from employees for detection of drug use.

#### **How does illegal drug use impact the Department of Navy?**

- The primary mission of the DON is to protect the United States by the effective prosecution of war at sea and to maintain freedom of the seas. The performance of every civilian employee must, at all times, support this mission through a high level of productivity, reliability, and judgment. Illegal drug use by DON employees, on or off the

job, has a negative impact on employee performance and is incompatible with the mission of the DON.

**What are the key components of the Department Of Navy Drug-Free Workplace Program?**

- Key components of the DFWP program include supervisory training; employee education; employee assistance through counseling and referral programs; safe harbor; and drug testing.

**What are the different types of drug testing that the Department Of Navy will be conducting?**

- **Random Testing:** Unannounced testing of employees in positions identified as Testing Designated Positions (TDPs). Selection is made on a random basis without prior announcement.
- **Applicant Testing:** Testing required of all individuals tentatively selected for employment in a TDP within DON. Applicant testing will include current DON employees who apply for a TDP position.
- **Accident/Unsafe Practice Testing:** Authorized Testing of any employee involved in an on-the-job accident, or who engages in unsafe, on-duty, job-related activity. This test requires a second-level supervisor approval.
- **Voluntary Testing:** Testing of employees who are not in, but who volunteer for unannounced random testing. Further information is available from your activity Drug Program Coordinator (DPC).
- **Follow-up Testing:** Testing of employees who undergo a counseling or rehabilitation program for illegal drug use through Civilian Employee Assistance Program (CEAP). The employees are subject to unannounced testing following completion of such a program for a minimum period of one year.
- **Reasonable Suspicion Testing:** Testing conducted when management has reason to believe that an employee may be using illegal drugs. The suspicion must be based on specific objective facts and reasonable inferences drawn from these facts, and be documented. Approval for such testing must be received from a higher level supervisor.

**What are Testing Designated Positions (TDPs) and how will they be identified?**

- When the duties of a position meet the criteria which would make the incumbent subject to random drug testing, the positions are referred to as a Testing Designated Position. This could be based on the effect that the incumbent of the position could have on public health and safety or national security through failure to adequately discharge the duties of his or her position.

**What kinds of drugs will be tested under the Department Of Navy Drug Free Workplace Program?**

- DON civilian employees will be tested for six types of drugs: Marijuana (THC), Cocaine, Amphetamine/Methamphetamine, Opiates to include Heroin\* (6 Acetyl morphine), Phencyclidine (PCP), and Ecstasy (MDMA).

**Why should these drugs be tested?**

- These drugs were selected by the Department of Health and Human Services (DHHS) based on the incidence and prevalence of abuse in the general population as well as the experience of the Department of Defense' military drug testing program. DHHS has authorized DON to test for all six drugs.

**Will employees know in advance of the testing?**

- Once the program is implemented by the activity, the selection of the individuals for random testing will always be unannounced. An employee will be notified when and where to report by his or her supervisor approximately 15 or 30 minutes before the test.

**What is the test like? Will the employee's privacy be protected?**

- YES. Any individual subject to testing will be permitted to provide a urine specimen in private, in a restroom stall or similar enclosure, so that the employee is not observed. The employee will be accompanied into the restroom by a collector who will wait outside the stall while the sample is being provided, to detect any attempts of adulteration or substitution by the donor. \*An exception to this will be made in Reasonable Suspicion, and Follow-Up Testing. In

such cases, collection site personnel, of the same gender as the donor, would directly observe the donor provide the sample.

**How reliable is the test?**

- At the lab, any specimen identified as positive on the initial screening test will be subject to a second screening test, and if positive, then subject to a confirmatory test using gas chromatography/mass spectrometry (GC/MS) techniques. This is regarded as the most accurate confirmation process by both scientific and legal communities. GC/MS technology has been used for many years by forensic toxicologists and medical examiners for police, legal and court work. These tests will be conducted by the U.S. ARMY Forensic Toxicology Drug Testing Laboratory, Ft. Meade, Maryland, which has an established record of being certified with DHHS National Laboratory Certification Program (NLCP) and certified to test military specimens and civilian specimens.

**If an employee tests positive, who will be notified?**

- The drug testing lab may only disclose confirmed laboratory test results to the Medical Review Officer (MRO).

**What does the Medical Review Officer do?**

- The MRO is a physician, authorized by DON to receive test results, who must be knowledgeable in the medical use of prescription drugs and pharmacology and toxicology of illicit drugs. The MRO will afford the donor who has tested positive an opportunity to discuss the test results. The donor will be given the opportunity to medically justify the results by identifying and documenting the use of prescription medications which might cause the positive test. An employee may present any information, which he or she believes is relevant to the MRO.

**What if an employee is found to use illegal drugs?**

- DON is committed to providing employees with drug problems assistance in overcoming the problem. Therefore, if an employee has been identified with a verified positive test result, he or she will be referred to the Civilian Employee Assistance Program (CEAP). The CEAP program can assist

employees with counseling, referral and rehabilitation services available to them.

**Will an employee be fired for illegal drug use?**

- The severity of the disciplinary action taken against an employee found to use illegal drugs will depend on the circumstances of each case and may range from a 14-day suspension to removal. In any case, however, the activity must initiate disciplinary action against any employee found to use illegal drugs except for an employee who voluntarily admits to illegal drug use under the "Safe Harbor" provision. For a second finding of illegal drug use, removal action must be initiated.

For additional information, please contact Geri G. Haga, MA, Regional Drug Program Coordinator, MCIEAST G-1, Manpower, Camp Lejeune, NC, 910-451-0376.